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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,983	09/22/2003	Shahid R. Chaudry	555255-012-577	1961

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RESEARCH IN MOTION
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EXAMINER

NGUYEN, TUAN HOANG

ART UNIT	PAPER NUMBER
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2618

NOTIFICATION DATE	DELIVERY MODE
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09/24/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/667,983	Applicant(s) CHAUDRY ET AL.	
	Examiner TUAN H. NGUYEN	Art Unit 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) 34-43 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Since this application is eligible for the transitional procedure of 37 CFR 1.129(a), and the fee set forth in 37 CFR 1.17(r) has been timely paid, the finality of the previous Office action is hereby withdrawn pursuant to 37 CFR 1.129(a). Applicant's Pre-Appeal Brief Request for Review submission after final filed on 02/09/2009 has been entered. Applicant's argument, see applicant's remarks, with respect to the rejection(s) of claims 1-33 under 35 U.S.C § 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Misra et al. (US PUB. 2002/0087716 hereinafter, "Misra") and Harris (U.S PAT. 7,050,411).

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 09/09/2009 has been considered by Examiner and made of record in the application file.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, 11-12, 15-18, 22-23, 26-30, 33-36, and 39-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Misra et al. (US PUB. 2002/0087716 hereinafter, "Misra") in view of Harris (U.S PAT. 7,050,411).

Consider claim 1, Misra teaches a method for use by a mobile communication device in prioritizing voice call requests during data communication sessions for the mobile communication device, the method comprising: receiving through a user interface of the mobile communication device, a voice call request for initiating a voice call from mobile communication device while the mobile communication device is engaged in a connected data communication service via a wireless communication network (page 1 [0002] and [0009]).

Misra does not explicitly show that performing the following acts by the mobile communication device in response to the receiving of the voice call request during the connect data communication service: causing a radio traffic channel between the mobile communication device and the wireless communication network which is utilized for carrying user data for the connected data communication service to be torn down; and causing the voice call to be established for the mobile communication device via the wireless communication network.

In the same field of endeavor, Harris teaches performing the following acts by the mobile communication device in response to the receiving of the voice call request

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during the connect data communication service (col. 5 lines 10-17): causing a radio traffic channel between the mobile communication device and the wireless communication network which is utilized for carrying user data for the connected data communication service to be torn down (col. 3 lines 20-32); and causing the voice call to be established for the mobile communication device via the wireless communication network (col. 3 lines 20-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, performing the following acts by the mobile communication device in response to the receiving of the voice call request during the connect data communication service: causing a radio traffic channel between the mobile communication device and the wireless communication network which is utilized for carrying user data for the connected data communication service to be torn down; and causing the voice call to be established for the mobile communication device via the wireless communication network, as taught by Harris, in order to provide a data transmission, voice and dispatch services over CDMA 2000 while adding a minimum of interference to the interference limited links; regardless of the type of service provided.

Consider claim 15, Misra teaches a mobile communication device, comprising: a user interface; one or more processors coupled to the user interface; a wireless transceiver coupled to the one or more processors and adapted to communicate via the wireless communication network; the one or more processors being further operative to: operate the wireless transceiver for the communication of user data for a connected

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data communication service for the mobile communication device via the wireless communication network; receive through the user interface during the connected data communication service, a voice call request for initiating a voice call from mobile communication device via a wireless communication network (page 1 [0002] and [0009]).

Misra does not explicitly show that in response to the receiving of the voice call request during the connected data communication service: cause a radio traffic channel between the mobile communication device and the wireless communication network which is utilized for carrying the user data for the connected data communication service to be torn down; and cause the voice call to be established with the mobile communication device via the wireless communication network with use of the wireless transceiver.

In the same field of endeavor, Harris teaches in response to the receiving of the voice call request during the connected data communication service (col. 5 lines 10-17): cause a radio traffic channel between the mobile communication device and the wireless communication network which is utilized for carrying the user data for the connected data communication service to be torn down (col. 3 lines 20-32); and cause the voice call to be established with the mobile communication device via the wireless communication network with use of the wireless transceiver (col. 3 lines 20-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, in response to the receiving of the voice call request during the connected data communication service: cause a radio traffic

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channel between the mobile communication device and the wireless communication network which is utilized for carrying the user data for the connected data communication service to be torn down; and cause the voice call to be established with the mobile communication device via the wireless communication network with use of the wireless transceiver, as taught by Harris, in order to provide a data transmission, voice and dispatch services over CDMA 2000 while adding a minimum of interference to the interference limited links; regardless of the type of service provided.

Consider claim 26, Misra teaches a computer program product, comprising: a computer storage medium (page 1 [0009]); computer instructions stored on the computer storage medium (page 1 [0009]); the computer instructions being executable on a processor of a mobile communication device for: receiving, via a user interface of the mobile communication device, a voice call request for initiating a voice call from the mobile communication device during a connected data communication service for the mobile communication device via the wireless communication network (page 1 [0002] and [0009]).

Misra does not explicitly show that in response to the receiving of the voice call request during the connected data communication service: causing a radio traffic channel between the mobile communication device and the wireless communication network which is utilized for carrying user data for the connected data communication service to be torn down; and causing the voice call to be established with the mobile communication device via the wireless communication network.

In the same field of endeavor, Harris teaches in response to the receiving of the voice call request during the connected data communication service (col. 5 lines 10-17): causing a radio traffic channel between the mobile communication device and the wireless communication network which is utilized for carrying user data for the connected data communication service to be torn down (col. 3 lines 20-32); and causing the voice call to be established with the mobile communication device via the wireless communication network (col. 3 lines 20-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, in response to the receiving of the voice call request during the connected data communication service: causing a radio traffic channel between the mobile communication device and the wireless communication network which is utilized for carrying user data for the connected data communication service to be torn down; and causing the voice call to be established with the mobile communication device via the wireless communication network, as taught by Harris, in order to provide a data transmission, voice and dispatch services over CDMA 2000 while adding a minimum of interference to the interference limited links; regardless of the type of service provided.

Consider claims 2 and 27, Misra further teaches receiving the voice call request comprises receiving a selected telephone number via the user interface (page 3 [0021]).

Consider claim 3, Misra further teaches the act of causing traffic channel to be torn down comprises the further act of causing a release order to be transmitted from the mobile communication device, the release order having a release order qualification code which indicates that the traffic channel is being terminated to enter into a dormant state (page 1 [0002] and [0009]).

Consider claims 4 and 28, Misra further teaches the act of receiving the voice call request comprises receiving a selected telephone number via the user interface (page 3 [0021]); and the act of causing traffic channel to be torn down comprises the further act of causing a release order to be transmitted from the mobile communication device and causing the connected data communication service to enter into a dormant state (page 1 [0002] and [0009]); and maintaining the data communication service in the dormant state during the voice call (page 1 [0002] and [0009]).

Consider claims 5, 16 and 29, Misra further teaches the act of causing the traffic channel to be torn down comprises the further act of causing a release order to be transmitted from the communication device (page 1 [0002] and [0009]).

Consider claims 6, 17, and 30, Misra further teaches the act of causing the traffic channel to be torn down causes the connected data communication service to enter into a dormant state (page 1 [0002] and [0009]).

Consider claims 7 and 18, Misra further teaches the act of causing the traffic channel to be torn down causes the connected data communication service to enter into a dormant state (page 1 [0002] and [0009]); and maintaining the data communication service in the dormant state during the voice call (page 1 [0002] and [0009]).

Consider claims 11 and 22, Misra further teaches the data communication service involves a Point-to-Point Protocol (page 1 [0009]).

Consider claims 12, 23 and 33, Misra further teaches maintaining a Point-to-Point Protocol (PPP) connection of the data communication service after causing the traffic channel to be torn down and the voice call to be established (page 1 [0009-0010]).

Consider claim 34, Misra teaches a method for use in prioritizing a voice call request during a data communication session involving a mobile communication device, comprising: receiving the voice call request for a voice call involving the mobile communication device while the mobile communication device is engaged in a connected data communication service via a wireless communication network, the connected data communication service utilizing a radio traffic channel between the mobile communication device and the wireless communication network and a Point-to-Point Protocol (PPP) session for communications (page 1 [0002] and [0009]).

Misra does not explicitly show that in response to the receiving of the voice call request for the voice call involving the mobile communication device during the connected data communication service: causing the radio traffic channel for the connected data communication service to be torn down without terminating the PPP session; and causing the voice call involving the mobile communication device to be established and maintained via the wireless communication network while the PPP session for the data communication service is maintained.

In the same field of endeavor, Harris teaches in response to the receiving of the voice call request for the voice call involving the mobile communication device during the connected data communication service (col. 5 lines 10-17): causing the radio traffic channel for the connected data communication service to be torn down without terminating the PPP session (col. 3 lines 20-32); and causing the voice call involving the mobile communication device to be established and maintained via the wireless communication network while the PPP session for the data communication service is maintained (col. 3 lines 20-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, in response to the receiving of the voice call request for the voice call involving the mobile communication device during the connected data communication service: causing the radio traffic channel for the connected data communication service to be torn down without terminating the PPP session; and causing the voice call involving the mobile communication device to be established and maintained via the wireless communication network while the PPP

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session for the data communication service is maintained, as taught by Harris, in order to provide a data transmission, voice and dispatch services over CDMA 2000 while adding a minimum of interference to the interference limited links; regardless of the type of service provided.

Consider claim 35, Misra further teaches the method is performed by the mobile communication device and the act of receiving the voice call request further comprises: receiving the voice call request through a user interface of the mobile communication device (page 1 [0009]).

Consider claim 36, Misra further teaches the method is performed in the network (page 1 [0010]).

Consider claim 41, Misra teaches a network server for the wireless communication network which operates to prioritize a voice call request during a data communication session involving a mobile communication device: the network server being adapted to receive the voice call request for a voice call involving the mobile communication device while the mobile communication device is engaged in a connected data communication service via the wireless communication network, where the connected data communication service utilizes a radio traffic channel between the mobile communication device and the wireless communication network and a Point-to-Point Protocol (PPP) session for communications (page 1 [0002] and [0009]).

Misra does not explicitly show that in response to the receiving or the voice call request for the voice call involving the mobile communication device during the connected data communication service: cause the radio traffic channel for the connected data communication service to be torn down without terminating the PPP session, and further cause the voice call involving the mobile communication device to be established and maintained via the wireless communication network while the PPP session for the data communication service is maintained.

In the same field of endeavor, Harris teaches in response to the receiving or the voice call request for the voice call involving the mobile communication device during the connected data communication service (col. 5 lines 10-17): cause the radio traffic channel for the connected data communication service to be torn down without terminating the PPP session (col. 3 lines 20-32), and further cause the voice call involving the mobile communication device to be established and maintained via the wireless communication network while the PPP session for the data communication service is maintained (col. 3 lines 20-32).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, in response to the receiving or the voice call request for the voice call involving the mobile communication device during the connected data communication service: cause the radio traffic channel for the connected data communication service to be torn down without terminating the PPP session, and further cause the voice call involving the mobile communication device to be established and maintained via the wireless communication network while the PPP

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session for the data communication service is maintained, as taught by Harris, in order to provide a data transmission, voice and dispatch services over CDMA 2000 while adding a minimum of interference to the interference limited links; regardless of the type of service provided.

Consider claims 39 and 42, Misra further teaches the wireless communication network and the mobile communication device are operative in accordance with a version of: a 3rd Generation (3G) communication standard which does not allow the mobile communication device to maintain a voice call and a data call at the same time (page 1 [0002] and [0009]).

Consider claims 40 and 43, Misra further teaches the wireless communication network and the mobile communication device are operative in accordance with an IS-2000 communication standard which does not allow the mobile communication device to maintain a voice call and a data call at the same time (page 1 [0002] and [0009]).

5. Claims 8-10, 14, 19-21, 25, 31-32, and 37-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Misra in view of Harris and further in view of Mustafa (U.S. PUB. 2002/0087716).

Consider claims 8, 19, and 31, Misra and Harris, in combination, fail to teach automatically resuming data communications of the connected data communication service after receiving a voice call disconnect request for completion of the voice call.

However, Mustafa teaches automatically resuming data communications of the connected data communication service after receiving a voice call disconnect request for completion of the voice call (page 18 [0147]).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Mustafa into view of Misra and Harris, in order to provide to simultaneously support a customized multi-priority services that can be used to transmit multi-priority data link layer frames to a destination host using a single or multiple communication links.

Consider claims 9 and 20, Mustafa further teaches the data communication service involves an Internet Protocol (IP) connection (page 2 [0020]).

Consider claims 10, 21 and 32, Mustafa further teaches maintaining an Internet Protocol (IP) connection for the data communication service after causing the traffic channel to be torn down and the voice call to be established (page 14 [0129]).

Consider claims 14 and 25, Mustafa further teaches the data communication service comprises Internet data communication (page 17 [0144]).

Consider claim 37, Mustafa further teaches the act of causing the traffic channel to be torn down comprises the further act of causing a release order to be transmitted from the mobile communication device, the release ordering having a release order

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qualification code which indicates that the traffic channel is being terminated to enter into a dormant state (page 18 [00145]).

Consider claim 38, Mustafa further teaches the method is embodied as a computer proof, ram product comprising a computer readable medium and computer instructions stored in the computer readable medium which are executable by one or more processors for performing the method (page 6 [0077]).

6. Claims 13 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mustafa in view of Ryan et al. (U.S PUB. 2004/0095903 hereinafter, "Rayan").

Consider claims 13 and 24, Misra and Harris, in combination, fail to teach the data communication service comprises e-mail message communication.

However, Mustafa teaches the data communication service comprises e-mail message communication (page 3 [0023]).

Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Mustafa into view of Misra and Harris, in order to improve the way in which the voice mail systems can be accessed.

Conclusion

7. Any response to this action should be mailed to:

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Commissioner for Patents

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(571) 273-8300

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is (571)272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571)272-7882882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information Consider the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tuan H. Nguyen/
Examiner
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